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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/796,993

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Alberto Morelli

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EXAMINER

GOODEN JR, BARRY J

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/796,993	Applicant(s) MORELLI, ALBERTO	
	Examiner BARRY J. GOODEN JR	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004 (Preliminary Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1 and 6 are objected to because of the following informalities:

Claim 1 "maintaining the its axis" should be replaced with "maintaining the axis".

Claim 12 "one claim 1" should be replaced with "claim 1".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-20 are rendered indefinite by the multiple instances of the terms "it" and "its" as they are pronouns that may refer to multiple elements thereby creating instances of indefinite and unclear claim language.

Claim 2, "one first end articulated" renders the claim indefinite as it is unclear as to which element's first end is being referenced.

Claim 2, "at least approximately" renders the claim indefinite as the terminology could mean less than the base amount.

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Claim 2, "it to move... along a rectilinear path" renders the claim indefinite, because as best understood "it" refers to the yoke as a whole, the yoke as a whole does not move along a rectilinear path.

Claim 3 "for example of the pin-slit type" renders the claim indefinite as the scope of the terminology cannot be ascertained.

Claim 6 "radially, e.g., according to a star configuration." renders the claim indefinite as the scope of the terminology cannot be ascertained.

Claim 11, "said solenoid valve" lacks antecedent basis.

Claim 12 "at least one engine" renders the claim indefinite as it is unclear what engine is being referenced. Examiner suggests replacing with "engine/pump".

Claim 13 is rendered indefinite by multiple instances of lack of antecedent basis "The motor vehicle", "the engine, or each engine", and "the rim".

Claim 14 "one or more engines" renders the claim indefinite as it is unclear what engine is being referenced, examiner suggests replacing with "engine/pump".

Claim 15 "one of more of said tanks" lacks antecedent basis in the claims.

Claim 23, "preferably in a removable way" renders the claim indefinite as it is unclear what is positively recited. Furthermore, it is noted that the term "removable" is a functional recitation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 6, 12, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Orshansky, Jr., US Patent 3,131,604.

In regards to claims 1, 6, and 12-15, Orshansky, Jr. discloses all of the claimed elements including a stator (12), cylinders (42), pistons (44), cam (30), cam follower roller (100) and a system of guides (78) as claimed in relation to one another (Reference is made to Figures 1-3 and 9).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orshansky, Jr.

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In regards to claims 7-11 and 13, Orshansky, Jr. discloses all of the claimed elements excluding a rotor shaped to render different duration strokes, and an electronically controlled solenoid.

It would have been obvious to have modified the structure of Orshansky, Jr. to include different duration strokes and an electronically controlled solenoid valve since they are old and well known in the art and would provide predictable structure and results.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orshansky, Jr., in view of Hemphill, US Patent 2,871,999.

In regards to claim 19, Orshansky, Jr. discloses all of the claimed elements excluding an integrated "accelerator-brake" pedal.

Hemphill discloses such a pedal.

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the pedals of Orshansky, Jr. in view of the teachings of Hemphill to have included a combination pedal as so as to reduce the number of components required and since it would have yielded predictable results.

9. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orshansky, Jr., in view of Ito, et al., US Patent 4,296,323, and further in view of Sharp, US Patent 5,816,426.

In regards to Claims 20-23, Orshansky, Jr. discloses all of the claimed elements excluding a high pressure tank having open-celled foam.

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Ito et al. discloses a heat insulated tank having an open celled structure, Sharp discloses a pressure tank comprising an open celled structure.

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the apparatus of Orshansky et al. in view of the teachings of Ito et al. and Sharp so as to included a tank capable of withstanding the pressure and temperature required of a pressurized system and since it would have been obvious to try as reducing the metal components by substitution of composites is old and well known.

Allowable Subject Matter

10. Claims 2-5 and 16-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARRY J. GOODEN JR whose telephone number is (571)272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Barry J Gooden Jr.
Examiner
Art Unit 3616

BJG

/Kevin Hurley/
Acting SPE of Art Unit 3616